IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 5405 of 2007(R)

PETITIONER:

SEBASTIAN JOSEPH, AGED 50,
S/O. P.J.JOSEPH, VADAKKEKUTTIKAL, THURUTHI P.O.,
CHANGANASSERY.

BY ADV. SRI.S.RAJKUMAR

RESPONDENTS:

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1. GENERAL MANAGER (ADMN),
KERALA STATE BEVERAGES (MANUFACTURING AND
MARKETING) CORPORATION LTD., P.B.2263,
SASTHAKRIPA OFFICE COMPLEX, SASTHAMANGALAM,
THIRUVANANTHAPURAM.

2. THE MANAGING DIRECTOR,
K.S.B.(M & M) C LTD., THIRUVANANTHAPURAM.

3. DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

4. THE SECRETARY,
DEP. OF CIVIL SUPPLIES, SECRETARIAT,
GOVT. OF KERALA, THIRUVANANTHAPURAM.

5. STATE OF KERALA, REPRESENTED BY
SECRETARY TO DEPARTMENT OF FINANCE,
SECRETARIAT, THIRUVANANTHAPURAM.

R1 & 2 BY ADV. SRI.MILLU DANDAPANI
R3 TO 5 BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 5405 OF 2007

Dated this the 27th February, 2007.

JUDGMENT

The issue for consideration is whether the petitioner is entitled to get the expenses met by him for medical treatment refunded by the respondents.

2. The petitioner is an employee who is eligible to claim reimbursement of the medical expenses. But certain conditions are laid down for claiming such reimbursement. One of those conditions is that the employee shall get such treatment only from hospitals which are enumerated in the orders of the Government. The petitioner was initially admitted in the Kottayam Medical College hospital and thereafter he was referred for treatment to the Lakeshore Hospital, Cochin. A substantial amount had to be spent for his treatment in the Lakeshore Hospital. According to the petitioner the amount thus spent would come to Rs.1,10,833/-. The respondents admitted the claim of the petitioner for reimbursement of medical expenses as far as the expenses incurred by him for treatment in other hospitals, but declined to reimburse the amount spent for treatment in the Lakeshore Hospital, Ernakulam. Feeling aggrieved, this writ petition has been filed.

3. It is not the case of the petitioner that the

refusal to reimburse the expenses met by him for treatment in the Lakeshore Hospital, Ernakulam is in violation of or contrary to the orders issued by the Government in that behalf. He has no case that he has been discriminated. But he would contend that the authorities ought to have considered his claim as a special case and having regard to the nature of the ailment he was suffering from and the nature of treatment required to manage the problems he were facing, the authorities ought to have allowed him to get reimbursement of Rs.1,10,833/- also, despite the fact that he underwent that treatment in the Lakeshore Hospital, Ernakulam.

4. The petitioner has not so far approached the authorities with a request to consider his case as a special one. The authorities have dealt with the claim of the petitioner as a normal case and have passed the impugned orders as they would do in such situations. If the petitioner wants to impress upon the respondents that his case requires special consideration, such a request can definitely be considered by the Government and appropriate decision taken. Of course relevant circumstances will have to be taken into consideration but it is not as though, the Government is powerless. But the petitioner who wants such consideration invoking the power vested in the Government

shall knock at the proper door. If so done, the Government will be able to consider his case.

5. Though the counsel for the petitioner submitted that the petitioner will file representation before the Government and copy of the same will be produced before this Court, he has not done so, despite adjournment granted for that purpose. However, I feel that the case of the petitioner being one which requires consideration, it will be in the interest of justice to grant the petitioner an opportunity to file such representation so that the Government will be able to consider his case and appropriate decision taken. I make it clear that if representation is filed, the Government may consider the same having regard to all relevant facts and circumstances and decision taken as expeditiously as possible. Writ petition is disposed of with the above directions.

K.K.DENESAN
Judge

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